

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

FILED
RICHARD W. NAGEL
CLERK OF COURT

2020 NOV -9 PM 3:52

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EAST DIV. COLUMBUS

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of
 (briefly describe the property to be searched
 or identify the person by name and address)
 U.S. Postal Service Priority Mail parcel 9505 8161 9572
 0308 3791 54 addressed to "Bere Garcia, 3900 Lexmont
 Rd., S, Columbus, OH 43228"

Case No.

2:20-mj-761

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. Section 841(a)(1)	Possession with intent to distribute a controlled substance
21 U.S.C. Section 843(b)	Prohibited use of a communication facility (U.S. Mail)
21 U.S.C. Section 846	Conspiracy

The application is based on these facts:

See Attachment C

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Dominic Francis

Applicant's signature

Dominic Francis, USPS OIG Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1(b):

Telephonic

(specify reliable electronic means)

Date:

11/9/2020

City and state: Columbus, OH

Judge's signature

Elizabeth A. Preston Deavers, Chief U.S. Magistrate Judge

Printed name and title

Attachment A

U.S. Postal Service Priority Mail parcel 9505 8161 9572 0308 3791 54 addressed to "Bere Garcia, 3900 Lexmont Rd., S, Columbus, OH 43228"

Attachment B

- 1.) Any controlled substances which constitute evidence of violations of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846.**
- 2.) United States currency and/or drug proceeds**

Attachment C

Affidavit in Support of Application for Search Warrant

I, Dominic M. Francis, being duly sworn, depose and state the following:

1. I am a Special Agent for the U.S. Postal Service Office of Inspector General (USPS OIG) assigned to conduct general investigations of USPS employees and the abuse of U.S. Mail. I have been a USPS OIG Special Agent since 2019. During this time, I have been assigned to conduct investigations of narcotics and internal mail theft, investigating the mailing of illegal narcotics, their proceeds, and the theft, rifling, destruction, mistreatment, willful delay, or tampering of U.S. Mail. I have training and experience in the enforcement of laws in the United States, including training on how to conduct drug related investigations, search and seizure laws, evidence handling and processing, drug identification and field testing. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I have a bachelor's degree in Economics from The Ohio State University.

2. This Affidavit is made in support of a search warrant for the following property, namely a package associated with United States Postal Service (USPS) Priority Mail, USPS Tracking Number:

a. 9505 8161 9572 0308 3791 54

as further described in Attachment A. This affidavit is made in support of a warrant to search the package for evidence of a crime as well as contraband, fruits of a crime or other items illegally possessed in relation to the following offenses:

- a. Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 841,**
- b. Use of a Communication Facility, in violation of Title 21, United States Code, § 843(b), and**
- c. Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 846.**

3. Because this affidavit is submitted in support of the application of the United States to search the parcel, it does not include every fact known concerning this investigation, I have set forth facts and circumstances that I have relied upon to establish probable cause to justify the issuance of a warrant to search the above-described parcel.

4. Your Affiant has become aware that drug traffickers frequently use Priority Mail Express and/or Priority Mail, services offered by the USPS, to transport narcotics and other dangerous controlled substances. As a result of investigations and successful controlled

substance prosecutions where Priority Mail Express and/or Priority Mail were used, your Affiant has learned of certain characteristics indicative of other Priority Mail Express and/or Priority Mail items previously identified as containing narcotics or other dangerous controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion - false or non-existent return address, addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the package, and the listed address is located in an area of known or suspected drug activity.

5. On November 05, 2020, your Affiant conducted a review of postal records and determined U.S. Postal Service Priority Mail parcel 9505 8161 9572 0308 3791 54 (hereinafter TARGET PARCEL) was sent inbound from San Diego, California to 3900 Lexmont Rd., S, Columbus, OH 43228. The parcel weighs approximately 12 pounds. Upon reviewing the parcel description, your Affiant noted that it contained a number of suspicious indicators previously described.
6. On November 06, 2020, your Affiant took custody of the TARGET PARCEL from the Columbus, Ohio Processing and Distribution Center. Your Affiant observed that the addressee on the TARGET PARCEL was "Bere Garcia, 3900 Lexmont Rd., S, Columbus, OH 43228." The return address on the TARGET PARCEL was "Jose Irias, 2014 Earl St., San Diego, CA 92113." The TARGET PARCEL is currently located at a secure law enforcement facility located in Columbus, Ohio.
7. According to law enforcement databases, investigators determined that the return address of 2014 Earl St., San Diego, CA 92113 does exist. However, there is no "Jose Irias" associated with that residence. There are also no individuals with the last name Irias associated with the address. Similarly, according to law enforcement databases, destination address "3900 Lexmont Rd., S, Columbus, OH 43228" is not a valid address, in that although it is a valid residential address, there is no "Bere Garcia" associated with that residence. There are also no individuals with the last name Garcia associated with the address.
8. On November 09, 2020, law enforcement contacted Officer Jesse Hackney, Whitehall, OH Police Department, regarding the suspect parcel and to arrange for a narcotics canine to check the parcel. Officer Hackney is the handler for "Breti," a drug detection dog certified through Ohio State Highway Patrol for the detection of the odor of: Marijuana, Cocaine, "Crack" Cocaine, Heroin, Methamphetamines and their derivatives.
9. The TARGET PARCEL was placed in a lineup among other packages varying in size, and Breti was allowed to search the entire area. The search was conducted at a secure law enforcement facility in Columbus, Ohio. Officer Hackney concluded that K-9 Breti did alert positively to TARGET PARCEL. Based on that alert, Officer Hackney

concluded that the odor of one of the drugs that K-9 Breti is trained and certified to detect was present.

10. I know based on my training and experience that San Diego, California is a common originating area for controlled substances sent through the U.S. Mail with the central Ohio area being a common destination point for controlled substances sent through the U.S. Mail. I know based on training and experience that information listed herein identifies common characteristics of a U.S. Postal Service parcel which contains a controlled substance. Based upon my experience and training, this information, along with the parcel being mailed from a location of known drug activity and drug source location, being mailed to a location of known drug activity, and the positive alert of narcotic canine "Breti" is indicative of the parcel containing narcotics.
11. Based upon the information contained in this affidavit, your Affiant believes that there is probable cause to believe that the parcel described below will contain evidence and/or contraband, fruits of crime, or other items illegally possessed:

a. **Priority Mail, USPS Tracking Number: 9505 8161 9572 0308 3791 54**

WHEREFORE, your Affiant respectfully requests that the Court issue a warrant, authorizing agents of the USPS-OIG, including but not limited to other law enforcement agents and technicians assisting in the above-described investigation, to open, view, photograph, and seize if necessary the TARGET PARCEL and its contents.

Further, your Affiant sayeth naught.

Dominic Francis

Dominic Francis

Special Agent

U.S. Postal Service

Office of Inspector General

Sworn and subscribed before me this 9th day of November, 2020.


Elizabeth Preston Deavers
ELIZABETH PRESTON DEAVERS
Chief United States Magistrate Judge